

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17-CR-00171-DGK-1
	)	
ESMERALDA CASTRO,	)	
	)	
Defendant.	)	

**ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION**

On July 13, 2018, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of the Defendant to stand trial. That motion was granted and, prior to holding a hearing to determine the mental competency of the Defendant, the Court entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of the Defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. § 4247(b) and (c).

A competency hearing was held before Magistrate Judge Lajuana M. Counts on November 16, 2018. At the hearing, the parties stipulated that the Court could consider the forensic psychological report of Nicole Graham, M.D., which concluded Defendant is competent to understand the nature and consequences of the proceedings against her and to assist properly in her defense. On November 19, 2018, Judge Counts entered a “Report and Recommendation” that Defendant be declared competent to stand trial. No objection was filed by either party.

After an independent, de novo review of the record and applicable law, the Court

ADOPTS the Report and Recommendation of Judge Counts in its entirety, and finds Defendant is competent to stand trial. It is further

ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(4), the time between July 13, 2018, and the date of this Order is excluded in computing the time within which the trial of this criminal action must commence. It is further

ORDERED that this case is placed on the joint criminal jury trial docket commencing on January 7, 2019.

**IT IS SO ORDERED.**

Date: December 6, 2018

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT